

### REMARKS

The Examiner rejected claims 1-3 and 5-53, while withdrawing claims 9-50 from consideration. Claims 1, 2, 5, and 7-52 have been cancelled herein without prejudice. Thus, claims 3, 6, and 53 remain pending. Claim 6 has been amended herein to recite the limitations of cancelled claim 5. Claim 53 has been amended herein to recite that the isolated polypeptide is in a pharmaceutically acceptable carrier as suggested by the Examiner. No new matter has been added.

In light of these amendments and the following remarks, Applicants respectfully request allowance of claims 3, 6, and 53.

### Objections

The Examiner objected to claim 6 as allegedly being dependent upon a rejected base claim, but indicated that it would be allowable if rewritten independent form including all of the limitations of the base claim and any intervening claims.

Claim 6 has been amended herein to be in independent form and to include the limitations of base claim 5. Thus, this objection is moot.

### Rejections under 35 U.S.C. § 112, first paragraph

The Examiner rejected claims 1-3, 7, and 51-53 under 35 U.S.C. § 112, first paragraph, as allegedly failing to comply with the enablement requirement.

First, Applicants respectfully note that claim 3 appears to have been inadvertently included in this rejection as the Examiner's comments appear directed to claims 1, 2, 7, and 51-53, but not claim 3. *See*, page 2, lines 18-19 and page 4, lines 12-14 of the Official Action mailed September 2, 2005. Applicants respectfully request clarification if this is incorrect.

Second, Applicants respectfully disagree with the Examiner's rejection of claims 1, 2, 7, and 51-52. A person having ordinary skill in the art at the time Applicants filed would have been able to make and use the previously recited invention without undue experimentation. To further prosecution, however, claims 1, 2, 7, 51, and 52 have been cancelled herein without prejudice.

In addition, claim 53 has been amended herein to recite that the isolated polypeptide is in a pharmaceutically acceptable carrier as suggested by the Examiner.

In light of the above, Applicants respectfully request withdrawal of the rejection of claim 53 under 35 U.S.C. §112, first paragraph.

The Examiner also rejected claim 5 under 35 U.S.C. § 112, first paragraph, as allegedly failing to comply with the enablement requirement. Applicants respectfully disagree. A person having ordinary skill in the art at the time Applicants filed would have been able to make and use the previously recited invention without undue experimentation. To further prosecution, however, claim 5 has been cancelled herein without prejudice. Thus, this rejection is moot.

In addition, the Examiner rejected claims 1, 2, 5-7, and 51-52 under 35 U.S.C. § 112, first paragraph, as allegedly lacking written description.

First, Applicants respectfully note that claim 6 appears to have been inadvertently included in this rejection as the Examiner's conclusion indicates that claim 6 is objected to, but would be allowable if rewritten in independent form. *See*, page 10, lines 16-18 of the Official Action mailed September 2, 2005. Applicants respectfully request clarification if this is incorrect.

Second, Applicants respectfully disagree with the Examiner's rejection of claims 1, 2, 5, 7, and 51-52. A person having ordinary skill in the art at the time Applicants filed would have appreciated from Applicants' specification that Applicants invented the previously recited invention. To further prosecution, however, claims 1, 2, 5, 7, 51, and 52 have been cancelled herein without prejudice. Thus, this rejection is moot.

#### Rejections under 35 U.S.C. § 102(b)

The Examiner rejected claims 1-3, 7, 51-52 under 35 U.S.C. § 102(b) as allegedly being anticipated by the Welsh *et al.* reference (U.S. Patent No. 5,639,661). Specifically, the Examiner stated that "[c]laims 1-3 are anticipated because the '661 patent discloses a polypeptide comprising the sequences of SEQ ID NO:1-4."

Applicants respectfully disagree. To further prosecution, however, claims 1, 2, 7, and 51-52 have been cancelled herein without prejudice. Claim 3 recites an isolated polypeptide selected from the group consisting of: GYRQRLE, EYRYRSV, GQRARIS and QARRRQS. At no point does the Welsh *et al.* reference disclose such an isolated polypeptide. A disclosure of an 836 amino acid sequence does not anticipate or render obvious the isolated polypeptide recited in claim 3.

In light of the above, Applicants respectfully request withdrawal of the rejection of claim 3 under 35 U.S.C. § 102(b).

The Examiner also rejected claim 8 under 35 U.S.C. § 102(b) as allegedly being anticipated by the Cheng *et al.* reference (U.S. Patent No. 5,750,571).

Applicants respectfully disagree. To further prosecution, however, claim 8 has been cancelled herein without prejudice. Thus, this rejection is moot.

### CONCLUSION

Applicants submit that claims 3, 6, and 53 are in condition for allowance, which action is requested. The Examiner is invited to call the undersigned attorney at the telephone number


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below if such will advance prosecution of this application. The Commissioner is authorized to charge any fees or credit any overpayments to Deposit Account No. 06-1050.

Respectfully submitted,

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